IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 378 OF 1999

Union of India] .. Petitioner

Versus

1. Shri Vijay Ramanna & Anr.] .. Respondents

Mr. Suresh Kumar for the petitioner.

CORAM: R.M. LODHA, &
SMT. NISHITA MHATRE, JJ.

DATED: 23RD JANUARY, 2007

P.C. :

. We heard Mr. Suresh Kumar, the counsel for the petitioner. Nobody appears for the respondent No.1.

2. The respondent No.1, who was an employee of Central Railway, Bhusaval was chargesheeted for unauthorised absence from 28th October, 1992 to 4th November, 1992. Upon conclusion of the disciplinary enquiry, an order of removal was passed by the disciplinary authority on 12th February, 1993 which came to be confirmed by the Appellate as well as the Revisional authority. Respondent No.1 challenged the order of removal before the Central Administrative Tribunal. The Central Administrative Tribunal held that the removal of the respondent No.1 from service was

grossly disproportionate. The Central Administrative Tribunal, accordingly, allowed the application and ordered for reinstatement with no back wages from the date of removal from service until reinstatement. It is this order which is impugned by the Union of India by means of this Writ Petition.

3. The counsel for the Union of India invited our attention to the order dated 12th August, 1999 passed by the Central Railway reviewing the order of removal and instead passing an order of reduction to the next lower grade with cumulative effect for three years from Gr. Rs.800-1160(RPS)/2650-4000(RSRP) to Gr. Rs.750-940 (RPS)/2550-3200 (RSRP). We are informed that the said order has not been impugned by the respondent No.1.

4. We are, thus, satisfied that the order passed by the Tribunal shall stand substituted by the order dated 12th August, 1999.

5. Writ Petition is disposed of accordingly.

6. No costs.

Sd/-
[R.M. LODHA, J.]

Sd/-
[SMT. NISHITA MHATRE, J.]